

THE HONORABLE FRANKLIN D. BURGESS

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JAMES W. FOWLER CO., an Oregon  
corporation,

Plaintiff,

v.

ACE AMERICAN INSURANCE  
COMPANY, a Pennsylvania corporation,

Defendant.

No. CV04-5400

AMENDED STIPULATION AND  
ORDER EXTENDING PRETRIAL  
DEADLINES.

**NOTE ON MOTION CALENDAR:  
August 9, 2005**

**AMENDED STIPULATION**

The parties hereto, by and through their attorneys herein, hereby stipulate to entry of the Order below, which further briefly extends various pretrial deadlines that were originally set forth in this Court's Minute Order Scheduling Jury Trial and Pretrial Dates dated November 22, 2004, and which were later extended by the parties' original Stipulation and Order Extending Pretrial Deadlines, which this Court entered on June 23, 2005.

The parties stipulate to the additional short extensions so that they may focus their efforts on continued settlement negotiations with mediator Deborah Youngblood without having to simultaneously meet numerous pre-trial deadlines.

The parties' Amended Stipulation herein also obviates the need for this Court to rule on Defendant ACE's Motion to Extend Discovery Cut-Off to Allow Completion of Two Lay

1 Witness Deposition, which Motion was filed on August 5, 2005, and was set for hearing by  
 2 this Court on August 16, 2005. ACE will be formally withdrawing that Motion.

3 Per the Stipulation and Order Extending Pretrial Deadlines entered by this Court on  
 4 June 23, 2005, the parties were to attend mediation by August 15, 2005. In compliance with  
 5 that Order, the parties began mediation on August 3, 2005, and have been in ongoing  
 6 mediated settlement discussions since. A further brief extension of various remaining  
 7 pretrial deadlines will allow the parties to focus on continued settlement efforts.

8 As this Court earlier denied Defendant ACE American Insurance Company's Motion  
 9 to Extend Trial Date, **the parties Amended Stipulation herein does not alter the**  
 10 **originally scheduled trial date of October 31, 2005.**

11  
 12 DATED this \_\_\_\_ day of August, 2005.

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**ORDER**

THIS matter having come before the Court on the parties' Amended Stipulation and Order Extending Pretrial Deadlines, IT IS HEREBY

**ORDERED** as follows:

1. The date for disclosure of rebuttal experts and their opinions, and exchange of any rebuttal expert reports, is hereby reset to **August 26, 2005**.

2. The date for objections to the opposition's experts—both primary and rebuttal—is hereby reset to **August 31, 2005**.

3. For the limited purpose of allowing the depositions of Fred Hammond and Seth Schade, the discovery cut-off deadline is hereby reset to **August 31, 2005**. The parties are not to serve new or additional written discovery requests to one another, and they are not to note any additional depositions not already noted.


4. The parties agree to put off the damages-related deposition of David R. Streiff until after the mediation is completed.

5. The deadline for filing all remaining motions, including DISPOSITIVE MOTIONS, is hereby reset to **September 1, 2005**.

6. The deadline for filing Trial Briefs, Motions in Limine, and lodging the Proposed Pre-Trial Order is hereby reset to **October 6, 2005**.

7. The original trial date remains unchanged at **October 31, 2005**.

DATED this 9<sup>th</sup> day of August 2005.

  
FRANKLIN D. BURGESS  
UNITED STATES DISTRICT JUDGE

Presented by:

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1 Approved as to form; Notice  
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